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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

Writ Petition No.3634 of 2006

Petitioner

Smt. Kuwanriya Bai
W/o Late Manglu Satnami,
Aged about 50 years,
R/o Village – Kholwa,
Tahsil – Bhatapara,
Dist. Raipur (C.G.)

Versus

Respondents

1. State of Chhattisgarh
Through – Director Revenue
Department D.K.S. Bhawan,
Raipur (C.G.)
2. Collector Raipur
Dist : Raipur (C.G.)
3. Sub – Divisional Officer Bhatapara,
Dist: Raipur (C.G.)
4. Tahsildar Bhatapara
Dist: Raipur (C.G.)
5. Kanhaiya Lal
S/o Mohrilal
R/o Village Kholwa,
Tahsil – Bhatapara
Distt: Raipur (C.G.)

Present : Shri V.K. Sharma, learned counsel for the petitioner.
Shri Sanjay S. Agrawal, learned counsel for the State/respondents No. 1 to 4.

ORAL ORDER
(Passed on 21.7.2006)

0.016 hectare of land comprised in Khasra No. 572 situate in village Kholwa, P.H. No. 6/25 was assigned to Manglu Satnami, who was the husband of the petitioner, in the year 1992 by the Tahsildar, Bhatapara, the 4th respondent herein. The said grant was challenged by way of an appeal by the 5th respondent herein, under Section 44 of the Madhya Pradesh Land Revenue Code, 1959. That appeal was allowed by the Sub Divisional Officer, Bhatapara, the 3rd respondent herein, by his order dated 23-03-1995. The petitioner's husband feeling aggrieved

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by the above order of the 3rd respondent preferred an appeal to Additional Commissioner, Raipur. The Additional Commissioner, Raipur by his order dated 24-07-1997 dismissed the appeal. It appears that the husband of the petitioner against the said order of the Additional Commissioner, Raipur preferred a revision to the Board of Revenue and the Board of Revenue also by its order dated 29-06-1999 dismissed the revision. That order passed by the Board of Revenue was allowed and it became final. In the meanwhile, husband of the petitioner died.

(2) When the matter stood thus, the 4th respondent issued an order dated 27-05-2006 marked as Annexure P/7, directing the Halka Patwari to take over the subject land and submit a report. That notice has been assailed in this writ petition.

(3) I have heard learned counsel for the parties. There is absolutely no case for the petitioner to succeed. The facts stated supra speak for themselves. The patta granted to the husband of the petitioner in the year 1992 was set aside by the 3rd respondent and that order has been confirmed by the Additional Commissioner, Raipur and the Board of Revenue. The present impugned action taken by the 4th respondent is only a consequential step to recover the subject land. Therefore, the petitioner cannot have any legitimate grievance against the consequential action. This writ petition is, therefore, dismissed. No costs.

Sd/-
Chief Justice